



An  
Bord  
Pleanála

**S. 6(7) of Planning and  
Development (Housing) and  
Residential Tenancies Act 2016**

**Inspector's Report on  
Recommended Opinion  
303100-18**

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**Strategic Housing Development**

Mixed use development comprising 595 square metres of non-residential floor space and 11,233 square metres of residential use. Total no. of apartments is 175 no., all contained in 4 blocks ranging in height from 4-14 storeys

**Location**

North of Poppintree Ind Estate, bounded by St. Margaret's Road to the north and Balbutcher Lane to the south east, Dublin 11

**Planning Authority**

Dublin City Council

**Prospective Applicant**

Dwyer Nolan Developments Limited

**Date of Consultation Meeting**

January 17<sup>th</sup> 2019

**Date of Site Inspection**

08<sup>th</sup> January 2019

**Inspector**

L. Dockery

## 1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## 2.0 Site Location and Description

2.1 The subject site, which has a stated area of circa 0.753 hectares, is located in close proximity to Poppintree Industrial Estate, south of the m50 motorway, Ballymun, Dublin 11. The site is located immediately to the south of the administrative boundary with Fingal County Council. The application site originally formed part of the development proposals for the larger Hampton Wood development. The site is cleared for the most part and appears to be partly in use as a compound for the construction of the on-going Hampton Wood development.

## 3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises an application for a mixed use development, comprising four no. blocks, ranging in height between 4 and 14 storeys. The following details are noted:

Parameter	Site Proposal
Application Site	0.753 ha
No. of Units	175 apartments
Other Uses	6 retail units (595 sq. m)
Car Parking	94 spaces (basement) + 20 spaces (surface)

Bicycle Parking	362
Vehicular Access	From Hampton Wood Drive to the south
Part V	17 units
Density	232 units/ha

The breakdown of unit types is as follows:

Unit Type	Studio	1 bed	2 bed	3 bed	
Apartment	25	62	62	26	175
% Total	14.28%	35.4%	35.4%	14.85%	100%

#### 4.0 National and Local Planning Policy

##### 4.1 National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Sustainable Urban Housing: Design Standards for New Apartments' (2018)
- 'Design Manual for Urban Roads and Streets' (2013)

- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (2009)
- 'Architectural Heritage Protection- Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)

#### 4.2 Local

The Dublin City Development Plan 2016-2022 is the operative County Development Plan.

Zoning:

Objective Z1 which seeks 'to protect, provide and improve residential amenity'.

Residential, medical and related consultants and retail (shop local) are permissible under this zoning objective. Restaurant (cafes included) is Open for Consideration under this zoning.

Ballymun is categorised as 'Mid-Rise' up to 50 m in the City Development Plan

Subject site is located with 'SDRA2-Ballymun' (Strategic Development and Regeneration Area) of the operative City Development Plan- areas identified as being 'capable of delivering significant quanta of homes and employment for the city'- Indicative Key Development Principles Map indicates that subject site is designated as 'proposed residential'

The Ballymun Local Area Plan 2017 applies

## 5.0 Planning History

### Subject Site:

There is quite a protracted site history on the lands in the vicinity, which include for this subject site.

2414/16: Permission GRANTED for 106 residential units and associated site works on a larger site of approximately 2.1ha which included this application site

1742/07: Permission GRANTED for amendments to Reg. Ref. 4387/03 comprising the omission of 43 units and provision of 147 units and 164 additional car parking spaces on a larger site which included this current application site

6356/06 (PL29N.216801): Permission REFUSED on appeal for omission of units and provision of 61 additional units for reasons of increased overall density which would generate additional parking and open space requirements, together with setting of undesirable precedent

5778/05: Permission REFUSED for omission of units and provision of additional 40 residential units for reasons increased overall density which would generate additional parking and open space requirements, together with setting of undesirable precedent

4387/03: Application for 1040 residential units, 1344 car parking spaces and construction of single carriageway roadway on a larger site which included this current site. Permission GRANTED subject to conditions. An application for extension of duration was GRANTED under 4387/03/X1

## 6.0 Section 247 Consultation(s) with Planning Authority

6.1 It is stated by the prospective applicant that one pre-application consultation took place with the planning authority on 15<sup>th</sup> day of August 2018.

## 7.0 Submissions Received

### Irish Water

Irish Water has issued a Confirmation of Feasibility for this development for 163 residential units.

As stated on the CoF, the applicant must connect water and wastewater in the Irish Water wastewater network via private 3<sup>rd</sup> party infrastructure. Prior to any connection agreement with Irish Water, the applicant will be required to provide evidence of permission to connect to the 3<sup>rd</sup> party network and also confirm that the 3<sup>rd</sup> party network has adequate capacity to cater for their development.

Therefore, based on the CoF, Irish Water confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

## 8.0 Forming of Opinion

8.0.1 Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements hereunder.

## 7.0 Documentation Submitted

7.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, completed application form, photomontages, a completed pre-connection enquiry feedback form from Irish Water, Statement of Consistency Report, Statement of Material Contravention, Appropriate Assessment Screening Statement, Pre-Planning Submission Drawings (A3 booklet), Landscape Design Statement, Landscape Masterplan, Ecology Report,

Townscape and VIA, Shading Analysis, Engineering Planning Report, Preliminary Energy Strategy Report

7.1.2 I have considered all of the documentation submitted by the prospective applicant, relating to this case.

## **7.2 Planning Authority Submission**

7.2.1 In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 03<sup>rd</sup> January 2019.

7.2.2 The planning authority's 'opinion' included the following matters: site description, proposed development, planning history; opinions from other departments, pre-planning consultations, zoning, planning assessment, statements of consistency, design and layout, height, density and urban design, mix, apartment floor areas, specific assessments on micro-climate and air navigation; land use mix; public open space; daylight and sunlight analysis; childcare facilities; community and social infrastructure; schools; roads and traffic issues; appropriate assessment.

7.2.3 Report concludes that that there are a number of issues that require further consideration and should be comprehensively addressed in final application documentation:

- Serious concerns regarding proposed height and density- not demonstrated to the satisfaction of the PA that the proposed development satisfies the Assessment Criteria for taller buildings as set out in section 16.7.2 of the City Development Plan 2016 or criteria set out in section 3.1 and 3.2 of Urban Development and Building Heights Guidelines for Planning Authorities (Dec 2018)
- Proposal should include Urban Design Statement- considers that submitted assessment is not sufficiently robust in its details or analysis
- Contribution in terms of community facilitates and social infrastructure in developments over 50 units, as per section 16.104 of City Development Plan 2016- an audit of existing facilities should be submitted at application stage



- Audit of childcare facilities required to demonstrate capacity of existing facilities to cater for future demand- should liaise with Dublin City Childcare Committee in this regard
- Open space requirement of 10% of site area or financial contribution in lieu at rate of €4000 per residential unit if deemed appropriate
- No details of internal layouts have been submitted- schedule of accommodation required
- No details of external materials
- Assessment of local school's capacity required
- Not demonstrated to satisfaction of PA that the internal spaces of proposed apartments would receive adequate levels of daylight- daylight and sunlight assessment required
- Specific assessment of micro-climate effects, including potential down draft, in particular with Block 02
- Specific assessment of air navigation given height of Block 02 and proximity to Dublin airport
- Number of verified photomontages not included in pre-planning pack- all should be included at application stage, including photomontages taken from M50
- Concerns regarding quantum of parking proposed- concerns proposal would give rise to traffic hazard
- Traffic and Transport Assessment should be undertaken, together with car parking management strategy and residential Travel Plan Framework- explore options of car share scheme
- Clarity regarding discrepancies in documentation
- Full suite of engineering drawings required, together with Servicing Strategy and clarity regarding cycle access
- Taking in charge
- Site boundaries/ownership

- Preliminary Construction Management Plan
- Flood risk assessment and further clarification on surface water proposals

7.2.4 I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

### **7.3 Consultation Meeting**

7.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 17<sup>th</sup> day of January 2019, commencing at 10.30 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

7.3.2 The main topics raised for discussion at the tripartite meeting were as follows:

1. Development strategy for the site including height, density and design
2. Residential Amenity (internal and external) and open space provision
3. Parking and mobility management
4. Foul and surface water drainage
5. Any other matters

7.3.3 In relation to development strategy, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Justification for height and density of development proposed, in the context of local policy and also SPPR3 and section 3.2 of Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Location of higher element of proposal on the site and optimal architectural/design solution for proposed development
- Design and elevational treatments; requirement for a high quality architectural design and finish; details and finishes; submission of Urban Design Statement and Architectural Statement

- Consultation with IAA advised in relation to height of proposed development
- Connectivity achievable in the surrounding area, to nearby shops and services, to existing public transport links

7.3.4 In relation to residential amenity, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Potential impacts of proposal on existing residential properties in vicinity, in particular those located on opposite side of Hampton Wood Drive; documentation to be submitted addressing overlooking, overshadowing, overbearing
- Internal amenity standards; schedule of floor areas
- Public open space provision; landscaping

7.3.5 In relation to parking and mobility management, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Car parking provision
- Other matters raised within Addendum B, Transportation Report, dated 11th December 2018, of PA Opinion

7.3.6 In relation to foul and surface water drainage, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Connection to third party wastewater network and consents required for same, together with confirmation that third party network has adequate capacity to cater for proposed development
- Surface water management as detailed in Addendum B, Drainage Report, dated 20/12/2018 of PA Opinion

7.3.7 In regards to other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Justification required for non-provision of childcare facility
- Submission of CGIs/visualisation/cross sections

- Micro-climate effects
- Waste management
- Taking in charge/management of proposed scheme
- Boundary treatments/interface between proposed buildings and public realm
- Lifecycle Report

## 7.4 Conclusion and Recommendation

- 7.4.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.4.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.
- 7.4.3 Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.4.4 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 8 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

### 1. Height, Scale and Density

Further consideration and/or justification of the documents as they relate to the development strategy for the site in respect of the proposed height, scale and density of the proposal particularly in the context of the suburban location of the site. In addition to the consideration of National Policy and Guidelines, particular regard should be had to demonstrating that the proposal satisfies the criteria set out in section 3.2 and SPPR3 of the Urban Development and Building Heights, Guidelines for Planning Authorities (December 2018). The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

### 2. Design and Layout

Further consideration and/or justification of the documents as they relate to the proposed strategy for the development of the site in respect of the design and layout

of the proposal, particularly with regards to the location of the higher element of the proposal on the site. Particular regard should also be had to creating suitable visual relief in the treatment of elevations. An architectural report and urban design statement should be submitted with the application. Furthermore, the layout should address the creation of usable, amenable and high quality open spaces within the development. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage

### 3. Car Parking

Further consideration and/or justification of the documents as they relate to the proposed car parking strategy for the proposed development, having particular regard to the level of parking proposed, how it is intended that it is assigned and managed and measures proposed to address shared car parking and visitor parking (noting that this is an apartment development and not a built to rent/shared accommodation proposal). The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. A report that specifically addresses the proposed materials and finishes of the proposed structures including specific detailing of finishes, openings, the treatment of balconies, landscaped areas and boundary treatments.  
Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. Particular regard should also be had to details showing proposals for the treatment of the interface between the proposed buildings

and public realm. The documents should also have regard to the long term management and maintenance of the proposed development.

2. A detailed schedule of accommodation which indicates consistency with relevant standards in the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018).
3. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants). Full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units should be submitted
4. Additional CGIs/ 3D modelling showing the proposed development relative to existing development in vicinity
5. A life cycle report in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
6. Drainage information as detailed in in Addendum B, Drainage Report, dated 20/12/2018 of PA Opinion submitted to An Bord Pleanála and Irish Water report to An Bord Pleanála dated 12/12/2018
7. A report which addresses potential micro-climate issues, including potential issues of down draft, together with any mitigation measures proposed, if necessary

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. National Transport Authority
3. Transport Infrastructure Ireland
4. HSE
5. Irish Aviation Authority
6. Dublin Airport Authority

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Lorraine Dockery  
Senior Planning Inspector

21<sup>st</sup> January 2019